

THIRTY-FIFTH DAY

MONDAY, MARCH 17, 1997

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Zaffirini.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Kaufman County Commissioner Ivan Johnson, Mount Olive Baptist Church, Terrell, accompanied by his wife Carrie, offered the invocation as follows:

Dear God, thank You for life and for a portion of health and strength. Thank You for blessings past, present, and future. Thank You for the servants of this governmental body. Bless our state, our Governor, Lieutenant Governor, Senators, and those who work with them.

Help us to realize that in good times and bad, You are with us. Please grant to our Senators, their staffs, and helpers, clarity of mind, peace, and wisdom. Keep us mindful of those we serve. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 13, 1997 was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 55

On motion of Senator Zaffirini and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 55**.

CO-AUTHOR OF SENATE BILL 64

On motion of Senator Moncrief and by unanimous consent, Senator Nixon will be shown as Co-author of **SB 64**.

CO-AUTHOR OF SENATE BILL 84

On motion of Senator Moncrief and by unanimous consent, Senator West will be shown as Co-author of **SB 84**.

CO-AUTHOR OF SENATE BILL 190

On motion of Senator Zaffirini and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 190**.

CO-AUTHOR OF SENATE BILL 394

On motion of Senator Ellis and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 394**.

CO-AUTHOR OF SENATE BILL 600

On motion of Senator Harris and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 600**.

CO-AUTHOR OF SENATE BILL 691

On motion of Senator Ratliff and by unanimous consent, Senator Patterson will be shown as Co-author of **SB 691**.

CO-AUTHOR OF SENATE BILL 753

On motion of Senator Harris and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 753**.

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Lucio and by unanimous consent, Senator Wentworth will be shown as Co-author of **SB 807**.

CO-AUTHORS OF SENATE BILL 1055

On motion of Senator Haywood and by unanimous consent, Senators Nixon and Zaffirini will be shown as Co-authors of **SB 1055**.

CO-AUTHOR OF SENATE BILL 1060

On motion of Senator Patterson and by unanimous consent, Senator Luna will be shown as Co-author of **SB 1060**.

CO-AUTHOR OF SENATE BILL 1063

On motion of Senator Carona and by unanimous consent, Senator Shapiro will be shown as Co-author of **SB 1063**.

CO-AUTHOR OF SENATE BILL 1099

On motion of Senator Wentworth and by unanimous consent, Senator Duncan will be shown as Co-author of **SB 1099**.

CO-AUTHOR OF SENATE BILL 1105

On motion of Senator Duncan and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 1105**.

CO-AUTHOR OF SENATE BILL 1724

On motion of Senator West and by unanimous consent, Senator Carona will be shown as Co-author of **SB 1724**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

Senator Truan was recognized and announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas
March 13, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

On February 24, 1997, I submitted the name of Perry N. Bolin of Plano for appointment to the Board of Regents of Texas Woman's University for a term to expire February 1, 2003.

At Mr. Bolin's request, I hereby withdraw his nomination for this board and ask that the Senate return this appointment to me.

Respectfully submitted,
/s/George W. Bush
Governor of Texas
Austin, Texas
March 14, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS BOARD OF PRIVATE
INVESTIGATORS AND PRIVATE SECURITY AGENCIES for terms to
expire January 31, 2003:

JIM G. BRAY, Jr.

712 Lakecrest

Plano, Texas 75023

Mr. Bray will be replacing Melissa Hirsch of Odessa whose term expired.

GEORGE B. CRAIG

215 Camden Place

Corpus Christi, Texas 78412

Mr. Craig is being reappointed.

TO BE MEMBERS OF THE TEXAS BOARD ON AGING for terms to expire
February 1, 2003:

WILLIAM TOLER SHANER

2213 Huntington

Midland, Texas 79705

Mr. Shaner will be replacing Jose E. Camacho of Austin whose term expired.

THOMAS E. OLIVER
12402 Old River Drive
Baytown, Texas 77520

Mr. Oliver will be replacing Kenneth Huff of Whitesboro whose term expired.

MIRIAM ANN BURTON
12818 Devlin Down Lane
Montgomery, Texas 77356

Ms. Burton will be replacing Aliceanne Wallace of Belton whose term expired.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

NOMINATION RETURNED

On motion of Senator Madla and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

To be a Member of the TEXAS WOMAN'S UNIVERSITY BOARD OF REGENTS: Perry N. Bolin, Collin County.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President Pro Tempore announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Thursday, March 13, 1997, by Senator Madla.

Senator Madla moved confirmation of the nominees reported Thursday by the Committee on Nominations.

The President Pro Tempore asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Members, Coastal Coordination Council: FRED W. HELDENFELS IV, Chair, Nueces County; JOHN BARRETT, San Patricio County; ROBERT B. DUNKIN, Cameron County; EDWARD FRANCIS STUART, Galveston County.

Members, Texas Board of Criminal Justice: PATRICIA A. DAY, Dallas County; ALFRED C. MORAN, Tarrant County; NANCY PATTON, Lubbock County; ALFRED M. "MAC" STRINGFELLOW, Bexar County.

Executive Director of the Texas Department of Housing and Community Affairs: LARRY PAUL MANLEY, Travis County.

Members, Texas Department of Housing and Community Affairs Board: ROBERT O. BREWER, Tom Green County; C. KENT CONINE, Dallas County; MICHAEL E. JONES, Smith County, JERRY ROMERO, El Paso County (Nominee Withdrawn).

Members, Texas Commission of Licensing and Regulation: MICKEY CHRISTAKOS, Collin County; WILLIAM YOUNG "BILL" FOWLER IV, Llano County; ELLIOTT B. McCONNELL, Aransas County; EARL L. YEAKEL III, Travis County.

Members, Texas Tech University Board of Regents: JOHN WILLOUGHBY JONES, McCulloch County; NANCY EILEEN JONES, Taylor County; J. MICHAEL WEISS, Lubbock County.

Members, University of Houston System Board of Regents: EDUARDO AGUIRRE, Jr., Harris County; CHARLES E. McMAHEN, Harris County; GARY L. ROSENTHAL, Harris County.

Members, Texas Aerospace Commission: DAVID WILLIAM CARR, D.D.S., Travis County; R. WALTER CUNNINGHAM, Harris County; WILLIAM EARL JUETT, Potter County; ANNE H. McNAMARA, Dallas County; BRYON D. SEHLKE, Travis County; T. C. SELMAN II, Brazoria County; NORMA H. WEBB, Midland County.

Members, Commission on Human Rights: LAURA AYOUB KEITH, El Paso County; CHARLES W. TAYLOR, Jr., Harris County.

Members, Texas Low-Level Radioactive Waste Disposal Authority Board of Directors: JAMES L. CARROLL, El Paso County; MILTON J. GUIBERTEAU, M.D., Harris County; JOHN E. SIMEK, Brazos County.

Members, Texas Health Benefits Purchasing Cooperative Board of Trustees: ESPERANZA P. "HOPE" ANDRADE, Bexar County; MARY A. FLORES, Denton County; LARRY N. FOREHAND, Harris County; J. PATRICK McLOCHLIN, Dallas County.

Members, Texas Council on Purchasing from People with Disabilities: ROGELIO IBANEZ, Jr., Hidalgo County; JOHN W. LUNA, Tarrant County; EUGENE F. MATTHEWS, Denton County; GWENDOLYN C. MORRISON, Ph.D., Tarrant County; MARGARET "MEG" PFLUGER, Tom Green County; ROBERT A. SWERDLOW, Ph.D., Jefferson County; BOBBIE F. TEMPLETON, Hays County; PAT A. WILSON, Gregg County.

Members, Radiation Advisory Board: JIMMY LESTER BARKER, Hood County; THOMAS M. BURNETTE, Collin County; DONALD S. BUTLER, Tarrant County; EARL P. ERDMANN, Midland County; JUSTIN P. LeVASSEUR, M.D., Wichita County; ODIS R. MACK, Harris County; WILLIAM ROBERT UNDERDOWN, Jr., Live Oak County.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Monday, March 17, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 6, Relating to the reapportionment of certain state representative districts.

HB 56, Relating to the terms of members of the Texas irrigators advisory council.

HB 115, Relating to the failure of certain persons to attend a court hearing involving a child; providing a criminal penalty.

HB 312, Relating to the offense of tampering with a witness.

HB 641, Relating to the maximum value of a raffle prize.

HB 1185, Relating to the fraudulent exercise of certain governmental functions and the fraudulent creation or use of certain pleadings, governmental documents, and records; providing penalties.

HCR 152, Recognizing Caldwell as the Kolache Capital of Texas.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

Senator Cain was recognized and presented Dr. Wesley G. Wilson of Forney as the "Doctor for the Day."

The Senate welcomed Dr. Wilson and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 345

Senator Cain offered the following resolution:

WHEREAS, March 17, 1997, is the day set aside to honor the citizens of Kaufman County for their exceptional contributions to the State of Texas; and

WHEREAS, For the past 150 years, the residents of the area have personified the spirit of independence and rugged individualism that built a great state; and

WHEREAS, Occupying a land area of 786.1 square miles in northeastern Texas, the county lies partly in the upper Blackland prairie and partly in the southeastern post oak belt of the East Texas timber country; drained by the Trinity River and Cedar Creek, the fertile land yields abundant crops; and

WHEREAS, The land was first settled by Dr. William P. King in late 1840 when he headed a group of 40 people from Holly Springs, Mississippi; they came to Texas to begin a new life on land scrip that the doctor had acquired, which was used to finance the Texas Revolution; the families built a fort near the three forks of the Trinity River and named it in the doctor's honor; and

WHEREAS, Originally a part of the municipality of Nacogdoches which included Henderson County, Kaufman County was created in 1848 when John H. Reagan drew the petition for its organization; the new county was named for David Spangler Kaufman, a member of the Texas and United States congresses; and

WHEREAS, Other settlers were attracted to the area and the rapidly growing territory was surveyed so homes could be located for the ever-increasing number of families, necessitating political organization; after the election of 1851, the county seat was located at Kingsborough, and the community was renamed Kaufman; and

WHEREAS, The first courthouse was a remodeled blacksmith shop, but in 1885 a new county courthouse was erected that reflected the growth and prosperity of the region; for over 70 years the edifice stood as a symbol of the county's proud heritage; a modern courthouse was built in 1955 in response to the growth and diversity of the economy; and

WHEREAS, Kaufman County derives most of its agricultural income from cattle and horses; hay, nursery plants, peaches, cotton, corn, and timber add to its prosperity; the Porter Farm near Terrell is the historic site of the origin of the United States-Texas Agricultural Extension program; and

WHEREAS, Antique buffs head for the antique center near Forney for that special find while outdoor enthusiasts find recreational activities at Cedar Creek and Ray Hubbard lakes; Terrell, the county's manufacturing center, is graced with many historic homes and is home to Trinity Valley Community College; and

WHEREAS, Because of its close proximity to Dallas, Kaufman County residents enjoy many of the conveniences available in one of the state's major cities while enjoying the family-oriented communities that make the county a desirable place to live; and

WHEREAS, Kaufman County Day at the State Capitol is an appropriate occasion for the Texas Senate to recognize the residents of Kaufman County and to commend them for their excellent accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby declare March 17, 1997, Kaufman County Day at the State Capitol and join the residents as they celebrate their county's greatness.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate County Judge Maxine Darst; Mayor Don Lindsey, City of Terrell; Mayor Terry Hedrick, City of Crandall; Mayor Don T. Cates, City of Forney; Judge Glen Ashworth, District 86; Bill Conradt, Kaufman County District Attorney; County Commissioner Ron Kinkaid; County Commissioner Ivan Johnson; Linda Spencer, Kaufman County Treasurer; Judge Joe Parnell, Kaufman County Court-at-Law; Donna Sprague, Kaufman County Tax Assessor-Collector; Judge Patricia Ashcroft, Justice of the Peace; Dr. Horace Flatt, Trinity River Authority; Judge Ginger Chambless, Justice of the Peace; and a delegation of citizens from Kaufman County.

The Senate welcomed its guests.

SENATE BILL 46 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 46, Relating to the punishment for certain defendants convicted of assaultive offenses, including sexual assault, and for certain offenses committed with intent to commit assaults.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 46** at line 19, page 1 by inserting "or 22.011," before the comma.

The committee amendment was read and was adopted by a viva voce vote.

SB 46 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 46 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 46** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 46 was read third time and was passed by a viva voce vote.

SENATE BILL 633 ON SECOND READING

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

SB 633, Relating to assessments performed before agency adoption of certain environmental rules.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up **SB 633** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire.

Nays: Gallegos, Luna, Shapleigh, Truan, West, Zaffirini.

SB 633 was read second time.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 633** in Section 1 of the bill, in proposed Sec. 2001.0225, Government Code, by striking the sentence beginning on page 3, line 19 as follows: ~~The agency shall make every effort to adopt rules that provide the maximum flexibility to the regulated community in complying with the rule.~~

The committee amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 633** by adding a new subsection (h) at the end of Section 1 of the bill to read as follows:

(h) The requirements of this section do not apply to state agency rules that are proposed or adopted on an emergency basis to protect the environment or to reduce risks to human health from environmental exposure.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 633** by deleting proposed subsection (g) paragraph (3) beginning on page 2, line 55 and ending on line 60.

The amendment was read.

On motion of Senator Barrientos and by unanimous consent, Floor Amendment No. 2 was withdrawn.

SB 633 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Gallegos, Luna, Shapleigh, Truan, West, and Zaffirini asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 633 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 633** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire.

Nays: Barrientos, Gallegos, Shapleigh, Truan, West, Zaffirini.

SB 633 was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate a delegation of the Texas Federation of Pachyderm Clubs from Harris, Galveston, and Houston counties.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 701 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 701, Relating to certain responsibilities of the comptroller relating to investment and management of funds.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 701** as follows:

(1) Inserting the following as **SECTION 3**, and renumbering the remaining sections accordingly:

SECTION 3. Section 85.70, Education Code, is amended to read as follows:

Sec. 85.70. Certain Mineral Leases; Disposition of Money; Special Funds; Investment. (a) Except as provided by Subsection (c) of this section, all money received under and by virtue of this subchapter shall be deposited in the state treasury to the credit of a special fund to be known as The Texas A&M University System Special Mineral Investment Fund. With the approval of the state comptroller of public accounts, the board of regents of The Texas A&M University System may appoint one or more commercial banks, depository trust companies, or other entities, in or outside this state, to serve as a custodian or custodians of the Special Mineral Investment Fund's

securities with authority to hold the money realized from those securities pending completion of an investment transaction if the money held is reinvested within one business day of receipt in investments determined by the board of regents. Money not reinvested within one business day of receipt shall be deposited in the state treasury not later than the fifth day after the date of receipt. In the judgment of the board, this special fund may be invested so as to produce an income which may be expended under the direction of the board for the general use of any component of The Texas A&M University System, including erecting permanent improvements and in payment of expenses incurred in connection with the administration of this subchapter. The unexpended income likewise may be invested as herein provided.

(b) The income from the investment of the special mineral investment fund under Subsection (a) of this section shall be deposited to the credit of a fund to be known as The Texas A&M University System Special Mineral Income Fund, and shall be appropriated by the legislature exclusively for the university system for the purposes herein provided.

(c) The board shall lease for oil, gas, sulphur, or other mineral development, as prescribed by this subchapter, all or part of the land under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas A&I University and its divisions. Any money received by the board concerning such land under this subchapter shall be deposited in the state treasury to the credit of a special fund to be known as the Texas A&I University special mineral fund, to be used exclusively for Texas A&I University and its branches and divisions. Money may not be expended from this fund except as authorized by the general appropriations act.

(2) On page 2, lines 57-58, strike "funds from the sale of securities" and substitute: "money from securities transactions"

(3) On page 2, line 59, insert the following after "Government Code" and before "and": "Chapters 161, 162 or 164, Natural Resources Code"

(4) On page 2, line 61, strike "sales and" and substitute: "funds received against"

(5) On page 2, line 66, strike the following: "sales and purchases of"

(6) On page 2, line 66, insert the following after "securities" and before "under": "transaction"

The amendment was read and was adopted by a viva voce vote.

CSSB 701 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 701 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 701 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 701 was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 386 ON SECOND READING**

Senator Sibley asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSSB 386, Relating to health care liability claims.

There was objection.

Senator Sibley then moved to suspend the regular order of business and take up **CSSB 386** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ratliff, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Duncan, Fraser, Galloway, Lindsay, Ogden, Patterson, Shapiro, Wentworth.

(Senator Brown in Chair)

(President in Chair)

CSSB 386 was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 386** as follows:

In SECTION 1 of the substitute, in added Section 88.002, Civil Practice and Remedies Code, following Subsection (g) (Senate Committee Report, page 2, between lines 54 and 55), insert a new Subsection (h), to read as follows:

"(h) This chapter does not apply to workers' compensation insurance coverage as defined in Section 401.011, Labor Code."

The amendment was read and was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Truan, West.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1A

Amend **CSSB 386** as follows:

On page 2, lines 2-20 after the word "control" add "which result in the failure to exercise ordinary care" so that (b) now reads as follows:

(b) A health insurance carrier, health maintenance organization, or other managed care entity for a health care plan is also liable for damages for harm

to an insured or enrollee proximately caused by the health care treatment decisions made by its:

- (1) employees;
- (2) agents;
- (3) ostensible agents; or
- (4) representatives who are acting on its behalf and over whom it has the right to exercise influence or control or has actually exercised influence or control which result in the failure to exercise ordinary care.

The amendment was read and was adopted by a viva voce vote.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 386** by striking all below the enacting clause and substituting the following:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 88 to read as follows:

CHAPTER 88. CERTAIN HEALTH CARE LIABILITY CLAIMS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 88.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual who is enrolled in a managed care plan. The term includes a dependent of an enrollee who is covered under the plan.

(2) "Health care" has the meaning assigned by Section 1.03, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes).

(3) "Health care provider" means a person or entity as defined by Section 1.03, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes).

(4) "Managed care entity" means an entity described by Section 88.002.

(5) "Managed care plan" means a health benefit plan:

(A) under which medical care and health care are provided to enrollees through contracts with physicians and health care providers; and

(B) that provides financial incentives to enrollees in the plan to use the participating physicians and providers and procedures covered by the plan.

(6) "Medical care" has the meaning assigned by Section 1.03, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes).

(7) "Physician" means a person licensed to practice medicine in this state.

Sec. 88.002. SCOPE OF CHAPTER. This chapter applies to a health maintenance organization organized under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), a preferred provider organization, an approved nonprofit health corporation that holds a certificate of authority issued by the commissioner under Article 21.52F, Insurance Code, or any other entity that offers a managed care plan, including:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 20, Insurance Code;
- (3) a fraternal benefit society operating under Chapter 10, Insurance Code;
- (4) a stipulated premium insurance company operating under Chapter 22, Insurance Code; or
- (5) to the extent permitted by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.):
 - (A) a multiple employer welfare arrangement as defined by Section 3, Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1002), or another analogous benefit arrangement; and
 - (B) any other entity not licensed under the Insurance Code or another insurance law of this state that contracts directly for health care services on a risk-sharing basis, including an entity that contracts for medical care and health care under a capitation method.

[Sections 88.003-88.010 reserved for expansion]

SUBCHAPTER B. DUTY OF MANAGED CARE ENTITY

Sec. 88.011. DUTY OF REASONABLE CARE. A managed care entity has the duty to act with that care that would be exercised by a prudent managed care entity under the same or similar circumstances when making a determination that, concurrently or prospectively, denies benefits for a treatment recommended or prescribed by a physician or health care provider for an enrollee in the course of providing medical care or health care to the enrollee under the managed care plan.

Sec. 88.012. LIABILITY. (a) A managed care entity is liable for damages arising from a breach of the duty imposed by Section 88.011 if that breach proximately causes personal injury or death to an enrollee.

(b) A cause of action for damages brought under this section is the exclusive remedy against a managed care entity for damages for personal injury or death suffered by an enrollee arising as a result of the failure to provide or the provision of health care or medical care under a managed care plan. This subsection does not apply to an action in contract that does not relate to bodily injury to or death of the enrollee. This subsection does not affect a remedy established under the Deceptive Trade Practices-Consumer Protection Act (Section 17.41 et seq., Business & Commerce Code) or under the Insurance Code or another insurance law of this state, including Articles 21.21 and 21.55, Insurance Code.

(c) The limitations, restrictions, and procedural requirements of the Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes), apply to a cause of action for damages under this section as if the managed care entity were a health care provider and as if the cause of action were based on a health care liability claim as defined by that Act.

Sec. 88.013. INDEMNIFICATION OR HOLD HARMLESS. A managed care entity may not enter into a contract with a physician or health care provider that includes an indemnification or hold harmless clause for the acts or conduct of the managed care entity.

Sec. 88.014. RETALIATION PROHIBITED. A managed care entity may not terminate or fail to renew the contract of a physician or health care provider or take any other retaliatory action against the physician or provider because the physician or provider has advocated on behalf of an enrollee with respect to a treatment prescribed or recommended by the physician or provider.

Sec. 88.015. LICENSING LAW NOT DEFENSE. A law of this state prohibiting a managed care entity from practicing medicine or from being licensed to practice medicine may not be asserted as a defense to an action against a managed care entity under this chapter.

SECTION 2. This Act applies only to a cause of action that accrues on or after the effective date of this Act. An action that accrues before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. An indemnification or hold harmless clause prohibited by Section 88.013, Civil Practice and Remedies Code, as added by this Act, violates the public policy of this state and, if such a clause is contained in any contract in effect on the effective date of this Act, the clause is void.

SECTION 4. This Act takes effect September 1, 1997.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Sibley, Floor Amendment No. 2 was tabled by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Ellis, Gallegos, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Duncan, Fraser, Galloway, Ogden, Patterson.

CSSB 386 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 386 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 386 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla,

Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Duncan, Fraser, Ogden.

CSSB 386 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Duncan, Fraser, Ogden, and Patterson asked to be recorded as voting "Nay" on the final passage of the bill.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a delegation of the Texas Federation of Teachers from Corpus Christi.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a delegation of citizens from Burleson County.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 1:27 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

HOUSE BILLS ON FIRST READING

The following bills were received from the House, read first time, and referred to the committees indicated:

HB 566 to Committee on State Affairs.

HB 979 to Committee on State Affairs.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions, filed on or before Friday, March 14, 1997, were introduced, read first time, and referred to the committees indicated:

SB 29 by Zaffirini

Relating to the implementation of the child support enforcement provisions of Title III of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; providing penalties.

To Committee on Health and Human Services.

SB 368 by Brown

Relating to the continuation and functions of the Council on Sex Offender Treatment and to the administration of certain of those functions by the Texas Department of Health.

To Committee on Criminal Justice.

SB 369 by Sibley

Relating to the abolition of the Texas Turnpike Authority and the transfer of

its functions to the Texas Department of Transportation and newly created regional tollway authorities.

To Committee on International Relations, Trade, and Technology.

SB 370 by Armbrister

Relating to the continuation and functions of the Texas Department of Transportation, the abolition of the Texas Turnpike Authority, and the creation of regional tollway authorities; authorizing the issuance of bonds and the imposition of taxes; granting the power of eminent domain; and providing penalties.

To Committee on International Relations, Trade, and Technology.

SB 1128 by Madla

Relating to certain construction bonds executed by sureties.

To Committee on Economic Development.

SB 1139 by Ellis

Relating to regulation of children's advocacy centers.

To Committee on Jurisprudence.

SB 1140 by Ellis

Relating to the prosecution of and the punishment for the offense of interference with child custody.

To Committee on Criminal Justice.

SB 1141 by Ellis

Relating to declination, cancellation, or nonrenewal of certain insurance coverage.

To Committee on Economic Development.

SB 1142 by Ellis

Relating to public access to certain underwriting guidelines used by insurers.

To Committee on Economic Development.

SB 1143 by Ellis

Relating to requirements regarding certain production quotas for insurance agents; providing administrative penalties.

To Committee on Economic Development.

SB 1151 by Nixon

Relating to the prosecution of the offense of theft of service involving a third party holder in due course of a check or similar sight order.

To Committee on Criminal Justice.

SB 1152 by Nixon

Relating to the payment of judgment against an undivided interest in real property.

To Committee on Jurisprudence.

SB 1153 by Brown

Relating to the appraisal and ad valorem taxation of personal property.

To Committee on State Affairs.

SB 1154 by Harris

Relating to adopting and amending a student code of conduct in public schools.

To Committee on Education.

SB 1155 by Harris

Relating to business practices in the writing of title insurance.

To Committee on Economic Development.

SB 1156 by Whitmire

Relating to comprehensive revisions to Subchapter B, Chapter 56, Code of Criminal Procedure, the Crime Victims' Compensation Act, and making an appropriation.

To Committee on Criminal Justice.

SB 1157 by Nelson

Relating to civil service for firefighters and police officers in certain municipalities.

To Committee on Intergovernmental Relations.

SB 1158 by Luna

Relating to regional education service centers.

To Committee on Education.

SB 1159 by Carona

Relating to regulating personal care facilities; providing for a civil penalty.

To Committee on Health and Human Services.

SB 1160 by Carona

Relating to the licensing of eye banks and the use of donations of gifts of bodies or parts; providing criminal and civil penalties.

To Committee on Health and Human Services.

SB 1161 by Carona

Relating to the authority of counties to contract with private entities for the collection of child support and to electronic transfer of the support payments.

To Committee on Jurisprudence.

SB 1162 by Carona

Relating to the warranties on the transfer or presentment of demand drafts.

To Committee on Economic Development.

SB 1163 by Zaffirini, Moncrief, Madla

Relating to information and training about Medicaid managed care.

To Committee on Health and Human Services.

SB 1164 by Zaffirini, Moncrief, Madla

Relating to Medicaid managed care contract compliance.

To Committee on Health and Human Services.

SB 1165 by Zaffirini, Moncrief, Madla

Relating to managed care under the state Medicaid program for children with special health care needs.

To Committee on Health and Human Services.

SB 1166 by Lindsay

Relating to the election from districts of members of the governing body of a municipality.

To Committee on Intergovernmental Relations.

SB 1167 by Lindsay

Relating to certain exemptions from the sex offender registration requirement.

To Committee on Criminal Justice.

SB 1168 by Lindsay

Relating to short-term obligations issued by certain counties for public utilities.

To Committee on State Affairs.

SB 1169 by Lindsay

Relating to the powers and duties of water supply corporations; validating certain actions of water supply corporations.

To Committee on Natural Resources.

SB 1170 by Lindsay

Relating to the initial inspection period for certain vehicles.

To Committee on State Affairs.

SB 1171 by Galloway

Relating to a prohibition on the expenditure of certain public funds on lobbying; providing a civil penalty.

To Committee on State Affairs.

SB 1172 by Duncan

Relating to the offense of barratry.

To Committee on Jurisprudence.

SB 1173 by Duncan

Relating to additional officeholdings by municipal court judges.

To Committee on Jurisprudence.

SB 1174 by Fraser

Relating to the terms of court of the 90th Judicial District.

To Committee on Jurisprudence.

SB 1175 by Whitmire

Relating to recall elections to remove a member of the board of directors of a municipal utility district.

To Committee on Natural Resources.

SB 1176 by Whitmire

Relating to the validity of certain devises or bequests.

To Committee on Jurisprudence.

SB 1177 by Nelson

Relating to the publication of the Texas Register.

To Committee on State Affairs.

SB 1178 by Gallegos

Relating to certification of a public school educator by the National Board for Professional Teaching Standards.

To Committee on Education.

SB 1179 by Madla

Relating to testimony given before a county commissioners court.

To Committee on Intergovernmental Relations.

SB 1180 by Madla

Relating to the liability status of police officers and firefighters when they are performing their duties.

To Committee on Jurisprudence.

SB 1181 by Madla

Relating to motor vehicle liability insurance for vehicles operated by peace officers in certain counties.

To Committee on Intergovernmental Relations.

SB 1182 by Madla

Relating to exemptions from certain county civil service systems.

To Committee on Intergovernmental Relations.

SB 1183 by Brown

Relating to the period of time in which a person has to apply for a tax refund or credit.

To Committee on Finance.

SB 1184 by Ellis

Relating to limiting the liability of the State Commission on Judicial Conduct.

To Committee on Jurisprudence.

SB 1185 by Ellis, West

Relating to establishing a center for the study and prevention of juvenile crime and delinquency at Prairie View A&M University.

To Committee on Education.

SB 1186 by Ellis

Relating to the powers of a judge.

To Committee on Jurisprudence.

SB 1187 by Cain

Relating to a municipal drainage utility system.

To Committee on Natural Resources.

SB 1188 by Armbrister

Relating to the purchase of service credit in the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

To Committee on State Affairs.

SB 1189 by Armbrister

Relating to the reporting of public school class size.

To Committee on Education.

SB 1190 by Armbrister

Relating to contracts and communications involving certain athletes and athlete agents.

To Committee on State Affairs.

SB 1191 by Armbrister

Relating to fees assessed for the regulation of athletic trainers and the audit of certain financial transactions regarding that regulation.

To Committee on Health and Human Services.

SB 1192 by Armbrister

Relating to the regulation of athletic trainers.

To Committee on Health and Human Services.

SB 1193 by Barrientos

Relating to the apportionment of the state into congressional districts.

To Committee of the Whole Senate on Legislative and Congressional Redistricting.

SB 1194 by Barrientos

Relating to apportionment of the state into state senate districts.

To Committee of the Whole Senate on Legislative and Congressional Redistricting.

SB 1195 by Lucio

Relating to form specifications for the recording of certain legal instruments.

To Committee on Jurisprudence.

SB 1196 by Lucio

Relating to the place of recording of certain public records.

To Committee on Jurisprudence.

SB 1197 by Lucio

Relating to the cost estimate of Texas Department of Insurance rules.

To Committee on Economic Development.

SB 1198 by Lucio

Relating to the definition of toxic tort.

To Committee on Economic Development.

SB 1199 by Lucio

Relating to the regulation of the operation and rental of jet skis; providing penalties.

To Committee on Natural Resources.

SB 1200 by Lucio

Relating to the regulation of private process servers; providing penalties.

To Committee on State Affairs.

SB 1201 by Lucio

Relating to authorizing the board of regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise certain properties to be used for campus expansion and university purposes in The University of Texas System.

To Committee on Finance.

SB 1202 by Lucio

Relating to directing the Texas Veterans Commission to determine the need for establishing state cemeteries for veterans.

To Committee on Veteran Affairs and Military Installations.

SB 1203 by Lucio

Relating to creation of an Electronic Recording Task force and to certain electronic recording.

To Committee on Intergovernmental Relations.

SB 1204 by Lucio

Relating to the disclosure by the Texas Department of Transportation of information pertaining to persons who subscribe to *Texas Highways* magazine or purchase certain promotional items from the department.

To Committee on State Affairs.

SB 1205 by Lucio

Relating to requiring parental support for a child adjudicated as having engaged in delinquent conduct who is placed as a condition of probation in a boot camp.

To Committee on Criminal Justice.

SB 1206 by Bivins, Nelson

Relating to creation of a public education scholarship pilot program for children assigned to attend certain low-performing public schools.

To Committee on Education.

SB 1207 by Barrientos

Relating to dependent coverage under the state employees uniform group insurance program.

To Committee on State Affairs.

SB 1208 by Barrientos

Relating to increasing the longevity pay of state employees.

To Committee on Finance.

SB 1209 by Barrientos

Relating to participation in the proportionate retirement program for public employees.

To Committee on Intergovernmental Relations.

SB 1210 by Barrientos

Relating to eligibility of state employees for a service retirement annuity from the Employees Retirement System of Texas.

To Committee on State Affairs.

SB 1211 by Ogden

Relating to meetings of commissioners courts.

To Committee on Intergovernmental Relations.

SB 1212 by Moncrief

Relating to procedures to deal with an individual who is in the criminal justice system and who has a mental illness or is a person with mental retardation.

To Committee on Criminal Justice.

SB 1213 by Madla

Relating to certain powers of domestic relations offices.
To Committee on Jurisprudence.

SB 1214 by Madla

Relating to certain fees collected by court clerks and domestic relations offices.
To Committee on Jurisprudence.

SB 1215 by Madla

Relating to personal bond offices and certain fees collected by personal bond offices.
To Committee on Criminal Justice.

SB 1216 by Madla

Relating to court fees used to provide security for certain public buildings.
To Committee on Intergovernmental Relations.

SB 1217 by Madla

Relating to certain fees collected by district court clerks.
To Committee on Intergovernmental Relations.

SB 1218 by Patterson

Relating to venue in the prosecution of the offense of issuing a bad check.
To Committee on Criminal Justice.

SB 1219 by Patterson

Relating to the power of the board of regents of The Texas A&M University System to designate Texas A&M University at Galveston as a branch campus of Texas A&M University.
To Committee on Education.

SB 1220 by Patterson, Nelson

Relating to the use of inmate and probationer labor for state highway system projects.
To Committee on Criminal Justice.

SB 1221 by Luna

Relating to restricting written reports required from public school employees.
To Committee on Education.

SB 1222 by Luna

Relating to time management and service by certain employees in public schools.
To Committee on Education.

SB 1223 by Brown

Relating to the delegation of duties of the Texas Natural Resource Conservation Commission and its executive director.
To Committee on Natural Resources.

SB 1224 by Brown

Relating to consolidated permit processing by the Texas Natural Resource Conservation Commission.
To Committee on Natural Resources.

SB 1225 by Brown

Relating to the voluntary cleanup program.
To Committee on Natural Resources.

SB 1226 by Brown

Relating to certain solid waste sites regulated under the Texas Health and Safety Code. The bill concerns listing requirements for the state registry, deletion conditions, liens, uses of the hazardous and solid waste remediation fee fund, cost recovery, settlements, procedures related to future land use, waiver of certain fees, early action incentives, and lender and fiduciary liability limitations.

To Committee on Natural Resources.

SB 1227 by Shapiro

Relating to the establishment of a comprehensive plan by a municipality.
To Committee on Intergovernmental Relations.

SB 1228 by Shapiro

Relating to the requirement that the operator of a motor vehicle possess a driver's license and evidence of financial responsibility for the vehicle.
To Committee on Jurisprudence.

SB 1229 by Shapiro

Relating to providing to a parole panel written statements to be considered in the parole process; providing a penalty.
To Committee on Criminal Justice.

SB 1230 by Shapiro

Relating to the payment of a supplemental salary to the district judges in Collin County and validation of certain prior acts of the commissioners court.
To Committee on Intergovernmental Relations.

SB 1231 by Shapiro

Relating to the equalized wealth level under the foundation school program.
To Committee on Education.

SB 1232 by Shapiro

Relating to conditions for probation, release under supervision, and determinate sentence parole for a child adjudicated for engaging in certain delinquent conduct.
To Committee on Criminal Justice.

SB 1233 by Shapiro

Relating to exemption from inscription requirements for an automobile used by a municipal or county medical examiner.
To Committee on Intergovernmental Relations.

SB 1234 by Moncrief, Madla

Relating to licensure of certain publicly funded providers of home and community support services.
To Committee on Health and Human Services.

SB 1235 by Moncrief

Relating to the keeping of dangerous wild animals; providing penalties.
To Committee on Natural Resources.

SB 1236 by West

Relating to credit in the Employees Retirement System of Texas for service as a custodial officer.
To Committee on State Affairs.

SB 1237 by West

Relating to the qualifications required for appointment as a community supervision and corrections department officer.
To Committee on Criminal Justice.

SB 1238 by West

Relating to the issuance of and withdrawal of a warrant for the return to confinement of certain inmates released to the supervision of the pardons and paroles division of the Texas Department of Criminal Justice.
To Committee on Criminal Justice.

SB 1239 by West

Relating to certain support services provided to a person with a disability to assist the person in the workplace.
To Committee on State Affairs.

SB 1240 by West

Relating to the state's purchasing of services for state agency clients.
To Committee on State Affairs.

SB 1241 by Zaffirini

Relating to the creation of the Faculty Enhancement Fund for Generalist Physicians.
To Committee on Finance.

SB 1242 by Madla

Relating to the regulation of the practice of optometry.
To Committee on Health and Human Services.

SB 1243 by Madla

Relating to the practice of perfusion.
To Committee on Health and Human Services.

SB 1244 by Madla

Relating to the practice of advanced practice nurses and physician assistants in collaborative practice with a physician.
To Committee on Health and Human Services.

SB 1245 by Madla

Relating to laws regulating the distribution and dispensation of controlled substances and to the enforcement of those laws.
To Committee on Health and Human Services.

SB 1246 by Madla, Zaffirini

Relating to the establishment of the statewide rural community health system

to allow for the delivery of certain health care services pursuant to the Texas Insurance Code.

To Committee on Health and Human Services.

SB 1247 by Madla, Moncrief

Relating to regulation of a home and community support services agency.

To Committee on Health and Human Services.

SB 1248 by Madla, Moncrief

Relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

To Committee on Health and Human Services.

SB 1249 by Ellis

Relating to the sale of property for delinquent ad valorem taxes.

To Committee on Intergovernmental Relations.

SB 1250 by Ellis

Relating to the resale of land acquired under a foreclosure of an ad valorem tax lien.

To Committee on Intergovernmental Relations.

SB 1251 by Ellis

Relating to the liability of municipalities for claims arising from land acquired at a sale following the foreclosure of a lien held by the municipality.

To Committee on Intergovernmental Relations.

SB 1252 by Ellis

Relating to the sale by a municipality of land acquired under a foreclosure of an ad valorem tax lien.

To Committee on Intergovernmental Relations.

SB 1253 by Ellis

Relating to protective orders for family violence.

To Committee on Jurisprudence.

SB 1254 by Patterson

Relating to the County Road Department.

To Committee on Intergovernmental Relations.

SB 1255 by Wentworth

Relating to granting limited state law enforcement authority to certain special agents of the United States government.

To Committee on International Relations, Trade, and Technology.

SB 1256 by Whitmire

Relating to certain rules and regulations adopted by the commissioner of insurance with respect to title insurance.

To Committee on State Affairs.

SB 1257 by Whitmire

Relating to promotional or educational activities of title insurance entities.

To Committee on State Affairs.

SB 1258 by Nelson

Relating to the establishment of a pilot project in which vouchers are used for payment of certain health care services.

To Committee on Health and Human Services.

SB 1259 by Barrientos

Relating to the use of telephone caller identification services by telephone solicitors.

To Committee on Economic Development.

SB 1260 by Barrientos

Relating to contributions to retirement systems for firefighters in certain municipalities.

To Committee on Intergovernmental Relations.

SB 1261 by Barrientos

Relating to fees for use of an automated teller machine.

To Committee on Economic Development.

SB 1262 by Ellis, West, Zaffirini

Relating to the creation and operation of a pilot program to provide employment and training for certain persons on public assistance.

To Committee on Health and Human Services.

SB 1263 by Ellis, West, Zaffirini

Relating to requiring the Texas Workforce Commission, local workforce development boards and centers, and certain employers to provide tax assistance to certain working individuals and families.

To Committee on Health and Human Services.

SB 1264 by Cain

Relating to certain nonprofit hospitals that provide health or long-term care providing a penalty.

To Committee on Economic Development.

SB 1265 by Armbrister

Relating to the abolition of the Texas Department of Commerce, and the consolidation of economic development and tourism activities from the Texas Department of Commerce and other agencies into the Office of Economic Development and Tourism and a public-private effort called "Partnership Texas."

To Committee on Economic Development.

SB 1266 by Armbrister

Relating to the administration, collection, and enforcement of taxes on cigarettes, cigars, and tobacco products.

To Committee on Finance.

SB 1267 by Armbrister, Brown, Ellis

Relating to the transfer of certain state property from the Texas Department of Transportation to certain governmental entities.

To Committee on State Affairs.

SB 1268 by Armbrister

Relating to disclosure of driver's license record information held by the Department of Public Safety of the State of Texas.

To Committee on State Affairs.

SB 1269 by Armbrister

Relating to the duties of the tax assessor-collector regarding certain tax receipt records.

To Committee on Intergovernmental Relations.

SB 1270 by Armbrister

Relating to staff development in public schools.

To Committee on Education.

SB 1271 by Armbrister

Relating to the creation of the Human Resource Task Force and the streamlining of the organizational structures of state agencies.

To Committee on State Affairs.

SB 1272 by Armbrister

Relating to the collection and availability of information concerning providers of certain retail products.

To Committee on Natural Resources.

SB 1273 by Armbrister

Relating to the sale of alarm products or services and burglary detection devices.

To Committee on State Affairs.

SB 1274 by Armbrister

Relating to the regulation of pawnshops and pawnbrokers.

To Committee on State Affairs.

SB 1275 by Armbrister

Relating to safety consultations.

To Committee on Economic Development.

SB 1276 by Lucio

Relating to permits for overweight vehicles in certain counties.

To Committee on International Relations, Trade, and Technology.

SB 1277 by Lucio

Relating to powers and duties of emergency services districts.

To Committee on Intergovernmental Relations.

SJR 37 by Gallegos

Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation the property of a neighborhood association.

To Committee on Finance.

SJR 38 by Ellis, Patterson, Luna, Haywood

Proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an obligation to pay certain property owners' association fees without permitting the forced sale of the homestead.

To Committee on State Affairs.

CONGRATULATORY RESOLUTIONS

SR 307 - by Harris: Congratulating Dorothy Estes of Arlington.

SR 337 - by Lucio: Congratulating Anna Pena, Queen Citrianna the 60th.

SR 339 - by Truan: Congratulating the Sinton High School Academic Decathlon Team.

SR 340 - by Cain: Congratulating Scott Miller of Rockwall.

SR 341 - by Gallegos: Congratulating Greater Jerusalem Missionary Baptist Church of Houston.

SR 342 - by Ratliff: Congratulating Bryan Michael Lawson of Longview.

SR 343 - by Ratliff: Congratulating Steven Richard Massey.

SR 344 - by Ratliff: Congratulating Kenneth Douglas Warren III of Kilgore.

SR 346 - by Barrientos: Congratulating the Texas Dietetic Association.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:47 p.m. adjourned, in memory of Grady Hogue, President of Bee County College and former member of the House of Representatives, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

March 17, 1997

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
SB 566 (Amended)

HEALTH AND HUMAN SERVICES — **CSSB 213**

NATURAL RESOURCES — **SB 201, SB 347** (Amended), **CSSB 693**

SIGNED BY GOVERNOR

March 14, 1997

SCR 18

